

CL-11297630-8580

The initial defect on my 2019 Mercedes-Benz C300 was apparent during the first week of having the car. The defect occurred numerous times. The automatic brake sensor would be triggered for no apparent reason. I contacted Mercedes-Benz of Des Moines immediately and told them of the issue and the potential severity of it. They were aware of some of the cars having the issue and stated that sometimes a raised median in a road could trigger the sensor thus causing the car to slam on the brakes without notice. This was not only triggered by raised medians but also caused apparently by what was deemed as "faulty wiring" from Mercedes-Benz. The result of this defect could have been (and still could be) fatal. If this had happened on the highway or other roads with another vehicle behind me, the result of the brakes instantly being activated because of a false sensor reading could have lead to serious injury or death.

Before Mercedes was able to take the car in they advised me I could turn off the automatic brake sensor in the car's settings. So my options were: Disable a safety feature or have a safety feature potentially activated without warning that could cause a serious accident and serious injury. Add that in conjunction with the October safety recall regarding the loose battery and you can see how this was/is a very serious, life-threatening problem. The safety recall was announced in August 2019, however Mercedes-Benz didn't even notify me until October 2019- two months later. Mercedes-Benz states the potential severity of the problem in the letter itself: *"If the battery is not properly secured, it could shift and disconnect the terminals in the event of a crash. If this were to occur, the vehicle's power supply would be interrupted, impairing different post-crash functionalities. Furthermore, if the battery were to detach from the vehicle in a crash, it could become a road hazard. Either of these scenarios can increase the risk of injury."*

The issue had seemingly been resolved, until late November when it started to occur again- Most recently on December 12, 2019 (my mother was witness to it this time). I instantly called Mercedes-Benz customer care on 12/2/19 and told them I did not feel safe in the car and I was done with them. Mercedes-Benz customer care stated they would submit the request for review, it would take 2-4 weeks for a decision, but that it most likely would be declined. The executive customer care manager I spoke with, Johnathan, told me he was well-versed in all 50 states lemon laws and that this would not qualify. I sent an email to him after the phone conversation citing Iowa's lemon law and asking for Mercedes-Benz physical mailing address, but never received a response.

Mercedes-Benz left a voicemail for me the very next day on 12/3/19 saying a decision had been made and I would receive a response via mail in 3-5 business days. As of writing this on 12/13/19 (10 days later; 8 business days later; mail already delivered for the day) I have received no such correspondence. I have reason to believe the claim was not submitted at all. I have a [REDACTED] old son who rides in the car with me on occasion and I refuse to put his life in jeopardy because of Mercedes-Benz's inability to resolve the issue- an issue that never should have existed in the first place (Think [REDACTED] v. Ford Motor Co. and [REDACTED] v. Ford Motor Co.).

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Iowa Lemon Law is very clear:

"To qualify as a "lemon" under the Lemon Law, a vehicle **must:**

Be under two years old, **and**

Have less than 24,000 miles on it, **and**

Weigh less than 15,000 lbs. (Weight is listed on vehicle title and registration. Average weight for new vehicles produced in model year 2015 = 4,305 lbs. -- www.epa.gov).

NOTE: Motorcycles, mopeds, motor tricycles, and RVs do not qualify for the Lemon Law.

Additionally, to qualify as a "lemon" under the Lemon Law, your vehicle must have a problem or defect that renders the vehicle unfit, unreliable, or unsafe for ordinary use or significantly diminishes the value of the vehicle that occurred during the Lemon Law rights period.

To qualify as a "lemon" under the Iowa Lemon Law, **one or more** of the following must be true:

The vehicle has been in the shop three or more times for the same problem and the problem still exists;

The vehicle has been in the shop one time due to a defect likely to cause serious bodily injury or death and the problem still exists;

The vehicle has been out of service for any number of problems for 20 or more days, and a problem still exists. The days do not need to be consecutive."

Is the car under two years old? Yes

Does the car have less than 24,000 miles? Yes

Does the car weigh less than 15,000 lbs.? Yes.

Has the vehicle been in the shop one time due to a defect likely to cause serious bodily injury or death and the problem still exists? **YES.**

August 26, 2019- "*Mercedes-Benz recalls 26,000 cars for loose batteries*": "The battery may detach in the event of a crash, which would cause all sorts of problems."

Source: <https://www.cnet.com/roadshow/news/mercedes-benz-battery-recall/>

The safety recall letter from Mercedes-Benz was not sent to me until October 2019. The letter itself states in part, "DAG has determined that on certain MY 2018-2019 C-Class vehicles (205 platform) the mounting bracket for the 12V starter battery might not have been manufactured according to current production specification. If the battery is not properly secured, it could shift and disconnect the terminals in the event of a crash. If this were to occur, the vehicle's power supply would be interrupted, impairing different post-crash functionalities. Furthermore, if the battery were to detach from the vehicle in a crash, it could become a road hazard. **Either of these scenarios can increase the risk of injury.**"

Furthermore, Mercedes-Benz of Des Moines took advantage of my situation when I first got the car. They *promised* me a certain monthly payment and they told me they would be able to get my payments under \$650/mo. They told me adding the additional service package (for oil changes, air filters, etc.) would only be about an extra \$7/mo. (otherwise I'd have to spend \$300+ each time I get the oil changed). And they told me they'd get me out of my lease with Cadillac. All of which were untrue. All of which I didn't find out about until signing the lease agreement- or in the case with Cadillac, a few weeks after.

My payments were not under \$650/not what was presented to me in the initial lease breakdown. The additional monthly service insurance was more than double what they said it would be. And apparently whoever took the Cadillac from Mercedes over to Willis Cadillac just left the car in the parking lot with the keys in it and never said a word to anyone at Willis about it at all. Willis said the only reason they knew it was mine and had even a semblance of an idea of what was going on was because I told them beforehand what I was planning on doing. Plus the remaining cost on the Cadillac was factored into my Mercedes lease. It was not "taken care of" as I was told it would be. I have never felt so taken in my life, which is only made worse by the fact that it has left me in such an unsafe predicament.

I am requesting a full refund of my initial down payment/deposit in the amount of \$5,000.00 and for Mercedes-Benz to end my lease contract for the 2019 C300. If Mercedes-Benz is not agreeable to these terms then I will exercise my right under the law to file suit.

I have also sent a copy of this letter and complaint to the Iowa Attorney General's office as well as the National Highway Traffic Safety Administration. Two of my attorneys have copies as well- Mark Kleiman in California (310) 306-8094 and Chris Stewart (Parrish Law) in Des Moines (515) 284-5737.

Further contact information:
consumer@ag.iowa.gov

Phone

515-281-5926
888-777-4590 (outside of the Des Moines metro area)

Fax

515-281-6771

Mail

Office of the Attorney General of Iowa
Consumer Protection Division
Hoover State Office Building
1305 E. Walnut Street
Des Moines, Iowa 50319-0106

NHTSA

1200 New Jersey Avenue, S.E.

Washington, D.C. 20590

1-800-424-9153

Thank you.



Motor Vehicle Defect Notification Form

Instructions:

1. Please print or type. Answer all questions fully and correctly.
2. **Print and send the completed form to the vehicle manufacturer.**
3. Pursuant to the Iowa Lemon Law, notice is given to the manufacturer as follows (check all that apply):
 - The vehicle has been out of service at least 20 cumulative days to repair one or more malfunctions or conditions that cause the vehicle not to conform to the warranty.
 - Three or more repair attempts have been made to repair the same defect or condition.
 - The vehicle has been in the shop one time by reason of a defect likely to cause death or substantial bodily injury.

YOUR CONTACT INFORMATION	
Name: [REDACTED]	
Address: [REDACTED]	
City, State, Zip Code: Des Moines, IA [REDACTED]	
Primary Phone Number: [REDACTED]	
Email Address: [REDACTED]	
DESCRIPTION OF CONTINUING DEFECT(S) OR CONDITION(S):	
Automatic brake sensor continues to malfunction after having already been in for repair once. The sensor is being triggered for no apparent reason (no cars in front/to side/behind) and causes the car to slam on the breaks- which could lead to serious injury or death if rear-ended from behind due to this defect.	
<i>*Note to the manufacturer: this may not be a complete description; the manufacturer should ascertain all appropriate information.</i>	
I am requesting that you make a final attempt to correct the continuing substantial defect(s) or condition(s).	
VEHICLE INFORMATION	
Make: Mercedes-Benz	Date of Delivery: 3/9/19
Model: C300	Odometer Reading at Delivery: 57
Year: 2019	Today's Date: 12/13/19
Vehicle Identification Number (VIN): 55SWF8EB2KU [REDACTED]	Current Odometer Reading: 9,000 mi
SELLING DEALER OR LEASING COMPANY	
Name: Daimler Trust	Name: Mercedes-Benz of Des Moines
Address: 13650 Heritage Pkwy 1st floor	Address: 9993 Hickman Rd
City, State, Zip Code: Fort Worth, TX 76177	City, State, Zip Code: Urbandale, IA 50322
Primary Phone Number: 248-427-6300	Primary Phone Number: 515-446-3587
SIGNATURE: [REDACTED]	DATE: 12/13/19

Des Moines, IA

DES MOINES

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\$0.55

FORM 5025B

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10/25/88

National Highway Traffic Safety Admin.
1200 New Jersey Ave. S.E.
Washington D.C. 20590

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